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10/673,442

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EXAMINER

SHAIKH, MOHAMMAD Z

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                       |   |  |
|------------------------------|---------------------------------------|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/673,442  | <b>Applicant(s)</b><br>SCHMIDT, DIANE SIMONA<br>BETTINA |  |
|                              | <b>Examiner</b><br>MOHAMMAD Z. SHAIKH | <b>Art Unit</b><br>3696                                 |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-26 and 28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-26, 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                 | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This Office Action is in response to an AMENDMENT entered 04/03/09 for patent application 10/673,442.

### ***Status of Claims***

2. Claims 1-6, 8-26, 28 are pending in this application.
3. Claim 27 has been cancelled.
4. Claims 1, 9, 12, 15, 18 and 20 have been amended without prejudice or disclaimer.

### ***Claim Rejections- 35 U.S.C § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6, 8, 12-19, 21-26, 28 are being rejected under 35 U.S.C 103(a) as being unpatentable over 2003/0120566 to Lipshutz, herein Lipshutz in view of US Patent 6,836,764 to Hucal.

Regarding claim 1, Lipschutz discloses a method for managing intra-day interest calculations for a bank account in an intra-day interest account management system, comprising: (a) in response to fluctuations in an account balance of the bank account, setting, by the intra-day interest account management system, balance determination times for the account, the balance determination times corresponding to a plurality of points in time within the span of a single day at which respective net account balances

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are to be used in an interest calculation for the account ([0067]) ; (b) determining the balances for the account for the balance determination times the determining including only transactions occurring prior to a specific balance determination time within the span of a single day (claim 1). However Lipshutz does not disclose (c) determining applicable conditions for the interest calculation, the conditions relating to an interest rate to be applied based on an interest day type code assigned to the single day, the interest day type code associated with respective different interest rates at which respective net account balances are to be used in the interest calculation for the account, wherein a different interest rate is applied in the interest calculation for at least one of the balance determination times within the single day. Hucal discloses c) determining applicable conditions for the interest calculation, the conditions relating to an interest rate to be applied based on an interest day type code assigned to the single day, the interest day type code associated with respective different interest rates at which respective net account balances are to be used in the interest calculation for the account, wherein a different interest rate is applied in the interest calculation for at least one of the balance determination times within the single day (column 3: lines 56-56; column 2: lines 59-61; column 4: lines 3-16, column 3: lines 48-50; Fig 5: 32,34,36). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lipschutz's invention to include c) determining applicable conditions for the interest calculation, the conditions relating to an interest rate to be applied based on an interest day type code assigned to the single day, the interest day type code associated with respective different interest rates at which respective net account

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balances are to be used in the interest calculation for the account, wherein a different interest rate is applied in the interest calculation for at least one of the balance determination times within the single day. One ordinary skill in the art would have been motivated to include c) determining applicable conditions for the interest calculation, the conditions relating to an interest rate to be applied based on an interest day type code assigned to the single day, the interest day type code associated with respective different interest rates at which respective net account balances are to be used in the interest calculation for the account, wherein a different interest rate is applied in the interest calculation for at least one of the balance determination times within the single day in order to ensure that the entire interest calculation method operates as efficiently as possible. Lipschutz further discloses d) providing the account balances and applicable conditions to interest calculation logic in the intra-day interest account management system; and (e) recording a result of operations by the interest calculation logic in the intra-day interest account management system (claim 1, claim 8)

Regarding claim 2, Lipschutz discloses the method of claim 1. However Lipschutz does not disclose wherein the balance determination times define intervals of arbitrary length. Hucal discloses wherein the balance determination times define intervals of arbitrary length (Column 3: lines 48-50). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lipschutz's invention to include wherein the balance determination times define intervals of arbitrary length. One of ordinary skill in the art would have been motivated to include wherein the balance determination times define intervals of arbitrary length in order to

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ensure that the user is not limited to any specific length of time when their interest is calculated for their specific accounts.

Claims 3-6, 8 are being rejected using the same criteria as claim 2.

Claim 12 is being rejected using the same rationale as claim 1.

Regarding claim 13, Lipschutz discloses the system of claim 12. Lipschutz further discloses the intra-day account management software is configured to implement a user interface providing for entry of the information (claim 1; claim 11).

Regarding claim 14, Lipschutz discloses the system of claim 12. Lipschutz further discloses the intra-day interest account management software comprises an interest calendar, the interest calendar classifying days according to differing interest day types, each type having an interest rate associated therewith (claim 1, claim 10; Fig 8; claim 11).

Claim 15 is being rejected using the same rationale as claim 1.

Claims 16-17 are being rejected using the same rationale as claim 2.

Claim 18 is being rejected using the same rationale as claim 1.

Claim 19 is being rejected using the same rationale as claim 2.

Claims 21-26 are being rejected using the same rationale as claim 2.

Regarding claim 28, Lipschutz discloses the system of claim 15. Lipschutz further discloses a display device presenting a graphical user interface having user-modifiable data fields providing a mapping of different interest rates to various interest

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day type codes, wherein the mapping of the different interest rates to each of the various interest day type codes is dependent upon conditions entered in the data fields related to the each of the different interest rates, and the conditions are modified according to user input (claim 1).

7. Claims 9-11, 20 are being rejected under 35 U.S.C 103(a) as being unpatentable over US 2003/0225692 to Bosch et al, herein Bosch in view of Lipschutz and further in view of Hucal.

Regarding claim 9, Bosch discloses a method for managing intra-day interest calculations for a bank account, comprising: (a) receiving a designation of a bank account to receive intra-day interest calculation ([0011]); (b) receiving transaction information for the account, the transaction information including a value time specifying when a transaction is to be taken into account for interest calculation ([0011]). However Bosch does not disclose (c) receiving a specification of a plurality of points in time for determining corresponding account balances for use in calculating an interest on the bank account, wherein the points of time correspond to a plurality of times within a single day and are determined by an intra-day interest account management system in response to fluctuations in an account balance of the bank account; (d) for each of the points in time, determining a corresponding account balance, the account balance at a given point in time at least partly depending on the value time; (e) for each of the points in time, determining an applicable interest rate based on an interest day type code associated with respective different interest rates assigned to the single day at which respective net account balances are to be used in the interest calculation for the

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account, wherein a different interest rate is applied in the interest calculation for at least one of the balance determination times within the single day (f) providing the account balances and the applicable interest rates to interest calculation logic; and (g) generating a record of interest amounts calculated by the interest calculation logic.

Lipschutz discloses (c) receiving a specification of a plurality of points in time for determining corresponding account balances for use in calculating an interest on the bank account, wherein the points of time correspond to a plurality of times within a single day and are determined by an intra-day interest account management system in response to fluctuations in an account balance of the bank account ([0067], claim 1);

(d) for each of the points in time, determining a corresponding account balance, the account balance at a given point in time at least partly depending on the value time ([0067]) and (f) providing the account balances and the applicable interest rates to interest calculation logic; and (g) generating a record of interest amounts calculated by

the interest calculation logic (claim 1, claim 8). Hucal discloses (e) for each of the

points in time, determining an applicable interest rate based on an interest day type code associated with respective different interest rates assigned to the single day at which respective net account balances are to be used in the interest calculation for the account, wherein a different interest rate is applied in the interest calculation for at least one of the balance determination times within the single day (column 3: lines 56-56; column 2: lines 59-61; column 4: lines 3-16, column 3: lines 48-50; Fig 5: 32,34,36).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bosch's invention to include (c) receiving a specification of a plurality



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of points in time for determining corresponding account balances for use in calculating an interest on the bank account, wherein the points of time correspond to a plurality of times within a single day and are determined by an intra-day interest account management system in response to fluctuations in an account balance of the bank account; (d) for each of the points in time, determining a corresponding account balance, the account balance at a given point in time at least partly depending on the value time; (e) for each of the points in time, determining an applicable interest rate based on an interest day type code associated with respective different interest rates assigned to the single day at which respective net account balances are to be used in the interest calculation for the account, wherein a different interest rate is applied in the interest calculation for at least one of the balance determination times within the single day (f) providing the account balances and the applicable interest rates to interest calculation logic; and (g) generating a record of interest amounts calculated by the interest calculation logic. One of ordinary skill in the art would have been motivated to include (c) receiving a specification of a plurality of points in time for determining corresponding account balances for use in calculating an interest on the bank account, wherein the points of time correspond to a plurality of times within a single day and are determined by an intra-day interest account management system in response to fluctuations in an account balance of the bank account; (d) for each of the points in time, determining a corresponding account balance, the account balance at a given point in time at least partly depending on the value time; (e) for each of the points in time, determining an applicable interest rate based on an interest day type code

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associated with respective different interest rates assigned to the single day at which respective net account balances are to be used in the interest calculation for the account, wherein a different interest rate is applied in the interest calculation for at least one of the balance determination times within the single day (f) providing the account balances and the applicable interest rates to interest calculation logic; and (g) generating a record of interest amounts calculated by the interest calculation logic in order to ensure that the user is not limited to a particular time period for the calculation of the interest on the account balance and further are able to view the interest rate results in easily readable format.

Regarding claim 10, Bosch discloses the method of claim 9. However Bosch does not disclose wherein the value time is specified with an accuracy to the second. Hucal discloses wherein the balance determination times define intervals of arbitrary length (Column 3: lines 48-50). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bosch's invention to include wherein the balance determination times define intervals of arbitrary length. One of ordinary skill in the art would have been motivated to include wherein the balance determination times define intervals of arbitrary length in order to ensure that the user is not limited to any specific length of time when their interest is calculated for their specific accounts.

Regarding claim 11, Bosch teaches the method of claim 9. However Bosch does not specifically disclose an interest calendar that classifies days according to differing interest day types, each type having an interest rate associated herewith.

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Lipschutz teaches an interest calendar that classifies days according to differing interest day types, each type having an interest rate associated herewith (Fig 4; paragraph 0072). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bosch's invention to include an interest calendar that classifies days according to differing interest day types, each type having an interest rate associated herewith. One of ordinary skill in the art would have been motivated to include an interest calendar that classifies days according to differing interest day types, each type having an interest rate associated herewith in order to ensure that the user can view the interest they are earning in a format that is easy to comprehend.

Claim 20 is being rejected using the same rationale as claim 9.

## RESPONSE TO ARGUMENTS

1. Applicant's arguments with respect to claims 1-6, 8-26, 28 have been considered but are moot in view of the new ground(s) of rejection.

## CONCLUSION

Applicant's amendment necessitate the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD Z. SHAIKH whose telephone number is (571)270-3444. The examiner can normally be reached on Monday-Friday (7:30-5); alt Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dixon can be reached on 571-272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. Z. S./  
Examiner, Art Unit 3696  
7/30/2009

Mohammad Z Shaikh  
Examiner  
Art Unit 3696

**/THOMAS A DIXON/  
Supervisory Patent Examiner, Art Unit 3696**